

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v. Criminal No. 06-50017-001

HERBERTO UGALDE-MENDEZ

DEFENDANT

O R D E R

Now on this 13th day of May, 2008, comes on for consideration defendant's **Petition To Request Honorable District Court's Intervention Pursuant To U.S.C. Title 18 §3231 District Courts Jurisdiction, To Waive The Fine Imposed By The District Court** (document #29), and from said motion, and the response thereto, the Court finds that said motion should be denied. The circumstances in which the Court may alter a previously-imposed sentence are limited. They include a meritorious motion of the government pursuant to **F.R.Cr.P. 35** or **18 U.S.C. §3573**; a meritorious motion of the defendant pursuant to **28 U.S.C. §2254** or **§2255**; and remand for resentencing following appeal. Defendant's motion does not fall within any of these categories.

IT IS THEREFORE ORDERED that defendant's **Petition To Request Honorable District Court's Intervention Pursuant To U.S.C. Title 18 §3231 District Courts Jurisdiction, To Waive The Fine Imposed By The District Court** (document #29) is **denied**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE